

Tfw



David R. McKinney  
Registered Patent Attorney  
[mckinney@tnw.com](mailto:mckinney@tnw.com)

November 8, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/645,144 filed 08/20/2003  
Applicant: Richards, Bryan  
Title: **TRANSIT SYSTEM**  
Group Art Unit: 3617  
Attorney Docket No. 20499.CIP

Sir/Madam:

Transmitted herewith for filing and pursuant to 37 C.F.R. §§ 1.56 and 1.97 is a Supplemental Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

- ☒ Form PTO-1449 list of 7 references submitted for consideration.
- ☐ Legible copies of the listed references or their relevant portions.
- ☐ Legible copies of the listed non-patent documents and foreign documents or their relevant portions are included.
- ☒ Copies of U.S. patents and/or publications are not included pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. 1.98(a)(2)(i).
- ☐ All English translations of each non-English reference, if any, within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) (see 37 C.F.R. § 1.98(c)).

**www.tnw.com**

8180 South 700 East • Suite 200 • Sandy, Utah 84070-0562 • 801.566.6633 • f. 801.566.0750 • [patlaw@tnw.com](mailto:patlaw@tnw.com) | U.S. Mailing Address: P.O. Box 1219 • Sandy, Utah 84091-1219

The Team Approach to Premier Performance

November 8, 2004

Page 2

The following are included within the Information Supplemental Disclosure Statement if applicable and as required under 37 C.F.R. § 1.98:

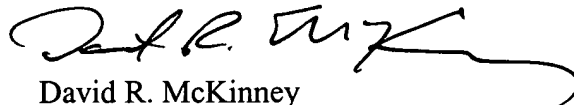
- ☐ Concise explanation of relevance of each reference not in English and unaccompanied by an English translation.
- ☐ Statement that certain listed references not enclosed are substantially cumulative of an enclosed reference.
- ☐ Statement that certain listed references not enclosed were previously cited by or submitted to the Office in prior application no. \_\_\_\_\_, filed on \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

- ☒ Statement under 37 C.F.R. § 1.97(e)(1) or (2).
- ☐ Check No. \_\_\_\_\_, which includes the amount of \$0.00 (amount in § 1.17(p)) constituting the submission fee set forth in 37 C.F.R. § 1.17(p).

In the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that the Statement meets the requirements of 37 C.F.R. § 1.97(e), or in any other event remediable by a fee, please credit any over payment or charge any additional fees to Deposit Account No. 20-0100 of the undersigned.

Respectfully submitted,



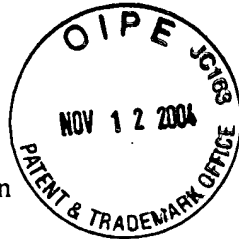
David R. McKinney  
Attorney for Applicant  
Registration No. 42,868

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

VWN/DRM/skp

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

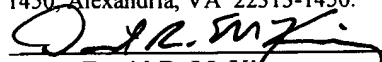
ART UNIT: 3617  
EXAMINER:  
APPLICANT: Richards, Bryan  
SERIAL NO.: 10/645,144  
FILED: 8/20/2003  
CONFRM. NO.: 7153  
FOR: TRANSIT SYSTEM



**CERTIFICATE OF MAILING  
UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: 11-8-2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
David R. McKinney

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

☐ 37 C.F.R. § 1.97 (b)(1) or (3), within three months of the filing date of the application, or before a first office action on the merits, whichever occurs last;

☒ 37 C.F.R. § 1.97 (c), after a first office action on the merits, but before a Final Office Action or a Notice of Allowance, whichever occurs first, and is accompanied by either 1) a statement in accordance with 37 C.F.R. § 1.97(e), or 2) the fee set forth in § 1.17(p); or

☐ 37 C.F.R. § 1.97 (d), after a Final Office Action or Notice of Allowance, whichever occurs first, but on or before payment of the issue fee, and is accompanied by both 1) a statement in accordance with 37 C.F.R. § 1.97(e), and 2) the fee set forth in § 1.17(p).

While no representation is made that any of these references may be "prior art" within the meaning of that term in accordance with 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the references listed, together with any other references which may have been previously submitted or listed, are the closest to the claimed invention (taken in its entirety) of which the undersigned is presently

aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

☐ A legible copy of each listed U.S. Patent or publication (or relevant portion thereof) which was not previously submitted to, or cited by, the Patent Office is enclosed pursuant to 37 C.F.R. §§ 1.97 and 1.98.

☐ A legible copy of each of the listed non-patent literature and foreign documents or their relevant portions is enclosed.

☒ Copies of cited U.S. patents and/or publications are NOT enclosed pursuant to the Official Gazette Notice, dated Aug. 5, 2003, waiving the requirement of 37 C.F.R. § 1.98(a)(2)(i).

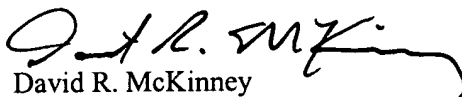
☐ Copies of the references listed in the accompanying Form PTO-1449 are NOT enclosed because, under 37 C.F.R. § 1.98(d), they were previously cited by or submitted to the Office in application number \_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

For all listed references that are not either in the English language, or accompanied by a translation into English, a concise explanation of relevance as required under 37 C.F.R. § 1.98(a)(3) is enclosed attached to each.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 8<sup>th</sup> day of November, 2004.

Respectfully submitted,



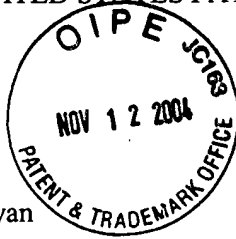
David R. McKinney  
Attorney for Applicant  
Registration No. 42,868

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

VWN/DRM/skp  
Enclosure

IN THE UNITED STATES PATENT & TRADEMARKS OFFICE

ART UNIT: 3617  
EXAMINER:  
APPLICANT: Richards, Bryan  
SERIAL NO.: 10/645,144  
FILED: 8/20/2003  
CONFRM. NO.: 7153  
FOR: TRANSIT SYSTEM



**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. § 1.8**

DATE OF DEPOSIT: Nov. 8, 2004

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
David R. McKinney

**PROMPTNESS CERTIFICATE UNDER 37 C.F.R. § 1.97(e)**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). Applicant respectfully submits that this Information Disclosure Statement is filed pursuant to:

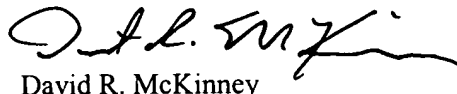
☒ I hereby certify that each item contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or;

☐ I hereby certify that no item contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or to credit any overpayment to Deposit Account No. 20-0100.

Dated this 8th day of November, 2004.

Respectfully submitted,



David R. McKinney  
Attorney for Applicant  
Registration No. 42,868

THORPE NORTH & WESTERN, LLP  
Customer No. 20,551  
P.O. Box 1219  
Sandy, Utah 84091-1219  
Telephone: (801) 566-6633

VWN/DRM:ja  
Enclosure

PTO-1449	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO. 20499.CIP	SERIAL NO. 10/645,144
LIST OF PRIOR ART CITED BY APPLICANT		APPLICANT Richards, Bryan	
		FILING DATE 08/20/2003	GROUP 3617

## U.S. PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A1	3,593,262	07/13/1971	Spencer			
	A2	5,760,709	06/02/1998	Hayashi			
	A3	5,962,833	10/05/1999	Hayashi			
	A4	6,658,392	12/02/2003	Yoshida			
	A5	5,799,263	08/25/1998	Culbertson			
	A6	4,069,888	01/24/1978	Wolters et al.			
	A7	5,168,451	12/01/1992	Bolger			
	A8						
	A9						
	A10						
	A11						
	A12						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
	A13						
	A14						
	A15						
	A16						
	A17						

## OTHER PRIOR ART (Including Author, Title, Pertinent Pages, Etc.)

	A18	
	A19	
	A20	
EXAMINER		DATE CONSIDERED
<p><b>*EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication with applicant.</p>		